



Entered on Docket
November 04, 2011

A handwritten signature in black ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Robert M. Charles, Jr. (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining First Omnibus Objection
Of USACM Trust To Proofs Of Claim
Based Entirely Upon Investment In The
Lerin Hills Loan**

Hearing Date: September 30, 2011

Hearing Time: 9:30 a.m.

The Court having considered the "First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Lerin Hills Loan ("Lerin Hills Loan") [DE 8868] (the "Objection"); the Court having heard the Objection on September 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the

1 Claims listed on **Exhibit A** does not affect the direct lenders' right to repayment by the
2 borrower or from the collateral securing the Lerin Hills Loan; and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8868] is sustained; and
5 2. The claims listed on **Exhibit A** attached are 15% allowed and 85%
6 disallowed because those claims are based entirely upon an investment in the Lerin Hills
7 Loan.

8
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**
11

12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.

14 John Hinderaker (*pro hac vice*)

15 3993 Howard Hughes Parkway, Ste. 600

16 Las Vegas, Nevada 89169-5996

17 Telephone: (702) 949-8320

18 Facsimile: (702) 949-8321

19 *Attorneys for USACM Liquidating Trust*
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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disappr oved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Lerin Hills LTD Loan	Amount Disallowed (85%)	Amount Allowed (15%)
10725-00185	9/5/2006	Aurora Investments LP	2710 Harbor Hills Ln Las Vegas, NV 89117	1,017,916.67	865,229.17	152,687.50
10725-00213	9/25/2006	Billy Shope Jr Family LP	2833 Maryland Hills Dr Henderson, NV 89052-7700	101,791.67	86,522.92	15,268.75
10725-00187	9/5/2006	Brouwers Family Trust	8040 Vista Twilight Dr Las Vegas, NV 89123	50,895.83	43,261.46	7,634.37
10725-00175	9/1/2006	First Savings Bank Custodian Of John W Brouwers Md	Trust Department 2605 E Flamingo Las Vegas, NV 89119	50,895.83	43,261.46	7,634.37
10725-00172	8/28/2006	First Savings Bank Custodian Of The Paul Bloch IRA	Trust Department 2605 E Flamingo Las Vegas, NV 89119	152,687.50	129,784.38	22,903.13
10725-00176	9/1/2006	Francis Family Trust Dtd 11/10/98	Bruce & Tamara Francis Ttee 2360 E Mallory Cir Mesa, AZ 85213	50,895.83	43,261.46	7,634.37
10725-00899	10/31/2006	Joyce E Smith Trust Dated 11/3/99	C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	51,238.60	43,552.81	7,685.79
10725-02053	1/11/2007	KM Financials LLC	4847 Damon Cir Salt Lake City, UT 84117-5854	101,767.12	86,502.05	15,265.07
10725-00173	8/14/2006	Leer, Hans J & Carolyn F	2024 Gentry Ln Carson City, NV 89701	30,000.00	25,500.00	4,500.00
10725-01520	11/29/2006	Irene Anne Markham-Tafoya	7746 Foredawn Dr Las Vegas, NV 89123-0756	25,000.00	21,250.00	3,750.00
10725-00180	9/1/2006	Mamula, Melissa	3318 Tricking Stream Cir Las Vegas, NV 89117	25,447.92	21,630.73	3,817.19